

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MAISHA EMMANUEL, on behalf of herself
and all others similarly situated,

Plaintiffs,

v.

HANDY TECHNOLOGIES, INC.,

Defendants.

Civil Action No. 1:15-cv-12914 - NMG

JOINT MOTION FOR STAY

Plaintiff Maisha Emmanuel, individually and on behalf of all others similarly situated, and Defendant Handy Technologies, Inc. (collectively, the “Parties”) hereby jointly request a stay of this action, pending the United States Court of Appeals for the First Circuit’s decision in the matter of Bekele v. Lyft, Inc., First Circuit No. 16-2109 (C.A. No. 15-cv-11650). The plaintiff in that matter has asked the First Circuit to determine whether class action waivers in employment agreements are illegal under the National Labor Relations Act. Since, the First Circuit’s decision on this issue will likely have a direct impact on the scope of this case, the Parties respectfully contend that it would be most efficient to stay this matter until this issue has been resolved by the First Circuit.

On August 10, 2016, the Court ordered that the Parties complete discovery by September 30, 2016. An evidentiary hearing on Defendant's Motion to Compel is scheduled for November 1, 2016.¹

If granted, during the pendency of the stay, counsel for Plaintiff has agreed not to file or otherwise initiate any arbitration, either individually or collectively, by Plaintiff or any putative class member who has opted in to the current action or who may opt in to the current action in the future.²

The Parties will notify this Court immediately once the First Circuit reaches a decision in Bekele v. Lyft, Inc., No. 16-2109, so that the Court and the Parties can determine what further action in this matter would be appropriate.³

Respectfully submitted,

MAISHA EMMANUEL, individually and on
behalf of all others similarly situated,

By her attorneys,

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan, BBO # 640716
LICHTEN & LISS-RIORDAN, P.C.
729 Boylston Street, Suite 2000
Boston, MA 02116
(617) 994-5800
sliss@llrlaw.com

¹ The Bekele decision was issued on August 9, 2016, the same day as the parties appeared before the Court, so the Parties did not raise this issue with the Court that day. The Notice of Appeal was filed on August 30, 2016.

² The parties have agreed that putative class members may opt in to the case while the stay is in place.

³ Plaintiff intends to file a motion seeking that claims of putative class members be tolled during the course of the stay, which Defendant opposes. The Parties will brief this issue separately.

HANDY TECHNOLOGIES, INC.,

By its attorneys,

/s/ Michael Mankes

Michael Mankes (BBO No. 662127)
Sarah E. Green (BBO No. 679732)
LITTLER MENDELSON, P.C.
One International Place Suite 2700
Boston, MA 02110
Phone 617.378.6000
Fax 617.737.0052
mmankes@littler.com
sgreen@littler.com

Roberta A. Kaplan (BBO No. 559570)
PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019
Tel: 212.373.3086
Fax: 212.492.0086

Dated: September 12, 2016

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served by electronic filing on September 12, 2016, on all counsel of record.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan, Esq.